(20)

HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P.NO.(S) NO. 5829/2007

PETITIONER Sadhu Ram S/o. Sadaram Aged about 60 years, Permanent Gangman, Rajnandgaon-Ghumka Road, Subdivision no. - 1, P.W.D. District Rajnandgaon (C.G.)

Vs.

RESPONDENTS

1. State of Chhattisgarh, Through the Secretary, Public Works Department, D.K.S.Bhawan, Raipur (CG)
2. Sub-Divisional Officer, Sub-Division No.1, CG P.W.D., P.W.D. Office, Rajnandgaon, District Rajnandgaon (CG)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUION OF INDIA

(SB: Hon'ble Mr. Justice **Satish K. Agnihotri)**

Shri Ravi Maheshwari, counsel for the petitioner.
Shri Suryakant Mishra, Panel lawyer for the State.

O R D E R
(Passed on this 28th day of September, 2007)

1) By this petition, learned counsel appearing for the petitioner submits that the petitioner was employed in the year 1978 as permanent Gangman in the Public Works Department and the petitioner, who worked for more than 25 years as Gangman seeks a relief that the petitioner being permanent Gangman be retired at the age of 62 years in accordance with the Chhattisgarh Shaskiya Sevak (Adhivarshiki Ayu) Adhiniyam, 1967 (for short 'the Act,1967') read with Fundamental Rule (for short 'F.R.')56.

2) According to learned counsel for the petitioner, the petitioner attained the status of permanent employee, as

defined under Rule 2 (c) of the Chhattisgarh (Workcharged and Contingency Paid Employees) Pension Rules, 1979 (for short 'the Rules,1979'), framed under Article 309 of the Constitution of India. After having attained the status of the permanent employee, the petitioner would retire in attaining the age of 62 years on superannuation under the provisions of the Act, 1967.

3) Learned counsel appearing for the petitioner would submit that the case of the petitioner is squarely covered by the decision of this Court passed on 4th January, 2007 in W.P. No. 108/2005 (Govind Vs. State of Chhattisgarh & Others) and other connected matters.

4) Learned counsel appearing for the respondents/State does not dispute the submissions made by learned counsel for the petitioner.

5) Accordingly, the petitioner, who is permanent Gangman is entitled to retire on attaining the age of 62 years in accordance with the Act, 1967. The petition is accordingly allowed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge